



U.S. Department of Justice

United States Attorney  
Southern District of New York86 Chambers Street  
New York, New York 10007

July 14, 2021

Via ECFHonorable Philip M. Halpern  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601Re: *L.S., et al. v. United States*, 16 Civ. 8763 (PMH)

Dear Judge Halpern:

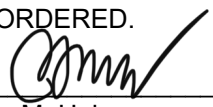
I write respectfully on behalf of defendant United States of America in the above-referenced medical malpractice action brought pursuant to the Federal Tort Claims Act to request an extension of the July 30, 2021 deadline for the United States to file a brief regarding plaintiff L.S.'s testimony at trial, to allow the United States an opportunity to fully and meaningfully respond to plaintiffs' forthcoming submission. *See* ECF No. 160.

Pursuant to the Court's July 9, 2021 Order, the parties are to simultaneously file briefs on July 30, with respect to eliciting testimony from the infant-plaintiff, that "outline the burden of proof to be applied to this particular fact pattern, including the infant-plaintiff's giving unsworn testimony or other 'appearance.'" *See id.* Because plaintiffs' earlier submission states that plaintiffs wish for the Court to "meet[] and visualiz[e]" L.S., *see* ECF No. 159, but does not provide the subject matter of plaintiff L.S.'s anticipated testimony or otherwise explain why L.S. is competent to testify, the United States respectfully submits that it would be more efficient to have plaintiffs file their brief first, with the United States responding to and opposing plaintiffs' brief. Accordingly, the United States respectfully requests that the Court permit it to file a brief on August 6, 2021, or another date that would be convenient for the Court's calendar and schedule. Plaintiffs' oppose this request, and additionally request that if the United States is granted an extension, they be permitted to file a reply brief.

We thank the Court for its consideration of this submission.

Application granted. In lieu of simultaneous filing, plaintiffs shall file their brief on 7/30/2021, and Defendant shall file a brief in response on 8/6/2021. No replies will be permitted.

SO ORDERED.

  
Philip M. Halpern  
United States District JudgeDated: White Plains, New York  
July 15, 2021

Respectfully submitted,

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Southern District of New YorkBy: /s/ Natasha W. Teleanu  
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cc: All counsel (via ECF)